

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

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**EIGHTEENTH LEGISLATIVE DAY  
THURSDAY, JANUARY 26, 2006**

Senate Chamber

At the request of the President Pro Tempore, Acting President Little called the Senate to order at 11:15 a.m.

Roll call showed all members present except President Pro Tempore Geddes, absent and formally excused by the Chair; and Senators Burkett, Cameron, Fulcher, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brady Anderson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senator Burkett was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 25, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 26, 2006

The JUDICIARY AND RULES Committee reports that **S 1309** has been correctly printed.

DARRINGTON, Chairman

**S 1309** was referred to the Commerce and Human Resources Committee.

January 25, 2006

The FINANCE Committee reports out **H 409** with the recommendation that it do pass.

CAMERON, Chairman

**H 409** was filed for second reading.

January 25, 2006

The JUDICIARY AND RULES Committee reports out **S 1255** and **S 1256** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1255** and **S 1256** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senator Fulcher was recorded present at this order of business.

The Acting President announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Peter J. Black was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Davis, the Gubernatorial appointment of Peter J. Black as a member of the Idaho Personnel Commission was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Vern Driver was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Andreason, the Gubernatorial appointment of Vern Driver as a member of the Board of Tax Appeals was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

**S 1310**

**BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO WRITTEN AGREEMENTS; AMENDING SECTION 9-505, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR AGREEMENTS FIXING THE BOUNDARY BETWEEN ADJOINING PARCELS OF REAL PROPERTY AND TO MAKE TECHNICAL CORRECTIONS.



**S 1311**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO LIMITATIONS OF ACTIONS; AMENDING SECTION 5-203, IDAHO CODE, TO REVISE CONDITIONS UNDER WHICH ACTIONS TO RECOVER REAL PROPERTY OR POSSESSION OF REAL PROPERTY CAN BE MAINTAINED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 5-204, IDAHO CODE, TO REVISE CONDITIONS UNDER WHICH ACTIONS OR DEFENSE TO ACTIONS ARISING OUT OF CLAIMS TO TITLE OR RENTS OR PROFITS CAN BE EFFECTUAL; AMENDING SECTION 5-206, IDAHO CODE, TO REVISE EXCEPTION PROVISIONS RELATING TO CONSTRUCTIVE POSSESSION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 5-207, IDAHO CODE, TO REVISE CONDITIONS RELATING TO ADVERSE POSSESSION OF PROPERTY UNDER WRITTEN CLAIMS OF TITLE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 5-210, IDAHO CODE, TO REVISE CONDITIONS RELATING TO ADVERSE POSSESSION OF PROPERTY UNDER ORAL CLAIMS TO TITLE; AMENDING SECTION 5-211, IDAHO CODE, TO REVISE CONDITIONS RELATING TO PRESUMPTION REGARDING POSSESSION AS BETWEEN TENANTS AND LANDLORDS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 5-213, IDAHO CODE, TO REVISE CONDITIONS RELATING TO THE TOLLING OF STATUTES OF LIMITATION INVOLVING PERSONS UNDER CERTAIN DISABILITIES AND TO MAKE A TECHNICAL CORRECTION.

**S 1312**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 18-910, IDAHO CODE, TO INCREASE THE PENALTY FOR ASSAULT WITH INTENT TO COMMIT A SERIOUS FELONY; AMENDING SECTION 18-912, IDAHO CODE, TO INCREASE THE PENALTY FOR BATTERY WITH INTENT TO COMMIT A SERIOUS FELONY; AMENDING SECTION 18-1506, IDAHO CODE, TO INCREASE THE PENALTY FOR SEXUAL ABUSE OF A CHILD UNDER AGE SIXTEEN; AMENDING SECTION 18-1506A, IDAHO CODE, TO INCREASE THE PENALTY FOR RITUALIZED ABUSE OF A CHILD AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-1507, IDAHO CODE, TO INCREASE THE PENALTY FOR SEXUAL EXPLOITATION OF A CHILD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-1507A, IDAHO CODE, TO INCREASE THE PENALTY FOR POSSESSION OF SEXUALLY EXPLOITATIVE MATERIAL FOR OTHER THAN A COMMERCIAL PURPOSE; AMENDING SECTION 18-1508A, IDAHO CODE, TO INCREASE THE PENALTY FOR SEXUAL BATTERY OF A MINOR CHILD SIXTEEN OR SEVENTEEN YEARS OF AGE; AMENDING SECTION 18-4116, IDAHO CODE, TO REVISE THE PENALTY FOR INDECENT EXPOSURE; AMENDING SECTION 18-6602, IDAHO CODE, TO INCREASE THE PENALTY FOR INCEST; AMENDING SECTION 18-8307, IDAHO CODE, TO REVISE SEXUAL OFFENDER REGISTRATION REQUIREMENTS; AMENDING SECTION 18-8308, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO VERIFICATION OF SEX OFFENDER ADDRESSES; AMENDING SECTION 18-8309, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO NAME AND ADDRESS CHANGES OF SEXUAL

OFFENDERS; AMENDING SECTION 18-8311, IDAHO CODE, TO INCREASE PENALTIES FOR SEXUAL OFFENDERS WHO FAIL TO MEET REGISTRATION, ADDRESS VERIFICATION AND NOTICE REQUIREMENTS; AND DECLARING AN EMERGENCY.

**S 1313**  
**BY JUDICIARY AND RULES COMMITTEE**  
 AN ACT

RELATING TO THE IDAHO CRIMINAL GANG ENFORCEMENT ACT; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 85, TITLE 18, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR EXTENDED SENTENCES, TO PROHIBIT THE RECRUITMENT OF GANG MEMBERS, TO PROHIBIT SUPPLYING FIREARMS TO A CRIMINAL GANG AND TO PERMIT THE ADOPTION OF LOCAL ORDINANCES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

**S 1310, S 1311, S 1312, and S 1313** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 404**, by Appropriations Committee, was read the second time at length and filed for third reading.

**S 1305, S 1306, and S 1307**, by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

Senators Hill, Keough, Lodge, McGee, Pearce, Richardson, Sweet, and Werk were recorded present at this order of business.

**S 1250** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams.  
 Total - 32.

NAYS--None.

Absent and excused--Cameron, Geddes, Marley. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1250** passed, title was approved, and the bill ordered transmitted to the House.



Senator Cameron was recorded present at this order of business.

**S 1251** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Geddes, Marley. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1251** passed, title was approved, and the bill ordered transmitted to the House.

Senator Marley was recorded present at this order of business.

**S 1252** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Geddes. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1252** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:50 a.m. until the hour of 11:15 a.m., Friday, January 27, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary